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17 Attorneys for Plaintiff  
PLEXXIKON INC.

19 IN THE UNITED STATES DISTRICT COURT  
20 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
21 OAKLAND DIVISION

22 PLEXXIKON INC.,

Case No. 4:17-cv-04405-HSG

23 Plaintiff,

**DECLARATION OF LAURA E. MILLER IN  
SUPPORT OF PLAINTIFF PLEXXIKON  
INC.'S OPPOSITION TO NOVARTIS'S  
MOTION TO STRIKE THE SECOND  
SUPPLEMENTAL EXPERT REPORT OF DR.  
GREGORY K. LEONARD**

24 v.

25 NOVARTIS PHARMACEUTICALS  
CORPORATION,

26 Defendant.

Date: December 3, 2019

Time: 3:00 p.m.

Ctrm: 2 – 4th Floor

Judge: Honorable Haywood S. Gilliam, Jr.

1 I, Laura E. Miller, declare as follows:

2 1. I am an attorney at law licensed to practice in the state of California. I am an attorney  
3 with the law firm of Durie Tangri LLP, counsel for Plaintiff Plexxikon Inc. (“Plexxikon”) in this matter.  
4 I make this Declaration from personal knowledge, and if called to testify, I could and would testify  
5 competently thereto.

6 2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts of the August 29, 2019  
7 transcript of proceedings in this action.

8 3. Attached hereto as **Exhibit 2** is a true and correct copy of an email from Tom Steindler,  
9 counsel for Defendant Novartis Pharmaceuticals Corporation (“Novartis”), sent on September 6, 2019 to  
10 me and the parties’ respective service lists.

11 4. Attached hereto as **Exhibit 3** is a true and correct copy of Plexxikon’s Damages  
12 Contentions pursuant to Patent Local Rule 3-8, served on April 9, 2018.

13 5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts of Novartis’s  
14 Responsive Damages Contentions pursuant to Patent Local Rule 3-9, served on May 9, 2018.

15 6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts of the February 4, 2019  
16 Expert Report of Gregory K. Leonard, Ph.D.

17 7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts of the transcript of the  
18 November 20, 2018 deposition of Ahmed Nawawi.

19 8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts of the February 21,  
20 2019 Supplemental Expert Report of Gregory K. Leonard, Ph.D. This report addresses 2018 financial  
21 documents that Novartis produced for the first time on February 5, 2019, the day after Dr. Leonard’s  
22 opening report was served.

23 9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts of the transcript of the  
24 May 1, 2019 deposition of Gregory K. Leonard, Ph.D.

25 10. On September 10, 2019, after Novartis admitted it had not produced 2019 sales data, I  
26 sent an email to opposing counsel attaching Plexxikon’s portion of a draft joint letter brief to the  
27 Honorable Elizabeth D. Laporte regarding Novartis’s decision not to produce such data. A true and  
28 correct copy of this September 10, 2019 email is attached hereto as **Exhibit 9**. A true and correct copy of

1 Novartis's September 10, 2019 response is attached hereto as **Exhibit 10**.

2 11. On September 17, 2019, Novartis produced 2019 Tafinlar sales data. Those data ran  
3 through the end of August, 2019, meaning that Novartis was able to produce sales data with no more than  
4 a two-week time lag. Novartis has not further updated its production as of this date, and thus as of this  
5 date Dr. Leonard has only been able to calculate damages as of August 2019.

6 12. Attached hereto as **Exhibit 11** is a true and correct copy of the Second Supplemental  
7 Expert Report of Gregory K. Leonard, Ph.D.

8 I declare under penalty of perjury under the laws of the United States of America that the  
9 foregoing is to the best of my knowledge and belief true and correct. Executed on October 29, 2019, in  
10 San Francisco, California.

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13 */s/ Laura E. Miller*  
14 LAURA E. MILLER  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 29, 2019 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

*/s/ Laura E. Miller*

LAURA E. MILLER